Legislative changes
On 1 May 2020, reforms to the Births, Deaths and Marriages Registration Act 1996 commence, removing barriers for Victorians wanting to change the record of sex in their birth registration.

Applications to change the record of sex in a birth registration must be made to the Victorian Registrar of Births, Deaths and Marriages (the Registrar).

From this date:
• Victorians will no longer need to undergo sex affirmation surgery to apply to change the sex in their birth registration
• when changing the sex in their birth registration, applicants will be able to nominate a sex descriptor of their choice, which can be male; female; or any other sex descriptor
• parents will be able to apply on behalf of their child
• a person can change their recorded sex once in a 12-month period.

An application by parents on behalf of a child must include a supporting statement from an authorised person, who can be a doctor or psychologist; or an adult who has known the child for at least 12 months.

Application for a child
Victorian born children
Parents (or legal guardian) of a Victorian born child can apply to the Registrar to change the child’s record of sex. They must include in their application:
• a supporting statement from an authorised person
• a statutory declaration made by each of the parents, declaring that: the child consents to the change of their record of sex; the parents believe the change is in the best interests of the child.

Non-Victorian born children
Parents of a non-Victorian born child can apply to the Registrar for a recognised details certificate acknowledging the child’s affirmed sex if the child has lived in Victoria for at least 12 months. They must include in their application:
• a supporting statement from an authorised person
• a statutory declaration made by each of the parents, declaring that: the child consents to the change of the child’s record of sex; the parents believe the change is in the best interests of the child; the child has lived in Victoria for at least 12 months.

A child born in Victoria or outside Victoria can also separately indicate their consent in the application.

A recognised details certificate cannot be used to certify details in the Victorian Register of Births and is not a legal document.

Supporting statement
When providing a supporting statement for a child, the authorised person must state that in their opinion:
• the change of the child’s record of sex is in the best interests of the child
• the child has the capacity to consent to the change (if the child is under the age of 16).
The authorised person must also write a brief statement explaining their reasons for supporting the application.

Further information
Further information about making a supporting statement for a child’s application will be available from 1 May on BDM’s website: www.bdm.vic.gov.au

Switchboard Victoria
For peer-driven LGBTIQ support services, contact Switchboard: www.switchboard.org.au, info@switchboard.org.au, 1800 184 527.